

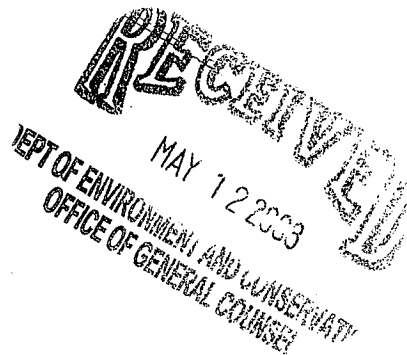
**STITES & HARBISON** PLLC  
ATTORNEYS

SunTrust Plaza  
401 Commerce Street  
Suite 800  
Nashville, TN 37219  
(615) 244-5200  
(615) 782-2371 Fax  
www.stites.com

May 12, 2008

**HAND DELIVERED**

Appeal of Enforcement Order  
TDEC-OGC  
20th Floor L & C Tower  
401 Church St.  
Nashville, TN 37243-1548



William L. Penny  
(615) 782-2308  
(615) 742-0707 FAX  
bill.penny@stites.com

RE: In the Matter of: Steve Williams Construction LLC, Director's Order WPC07-0268

To whom it may concern:

Enclosed herewith is the Answer and Notice of Appeal in the above referenced matter. Please notify me when this matter has been docketed.

If you have any questions, please let me know.

Very truly yours,

STITES & HARBISON, PLLC

William L. Penny

cc: Steve Williams  
Thomas Williams

16024N:080948:776463:1:NASHVILLE

**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

<b>IN THE MATTER OF :</b>	)	
	)	
	)	<b>DIVISION OF WATER</b>
<b>STEVE WILLIAMS CONSTRUCTION,</b>	)	<b>POLLUTION CONTROL</b>
<b>LLC</b>	)	
	)	
<b>and</b>	)	<b>CASE NUMBER WPC07-0268</b>
	)	
<b>THOMAS WILLIAMS,</b>	)	
	)	
<b>RESPONDENTS.</b>	)	

**ANSWER TO DIRECTOR'S ORDER AND ASSESSMENT AND NOTICE OF APPEAL**

Comes now Steve Williams Construction, LLC and Thomas Williams, by and through counsel and hereby submits the Answer to Director's Order and Assessment and Notice of Appeal.

1. The Respondents admit the allegations in Paragraph I; however, service of process for this matter only may be made upon the undersigned at the address given.

2. In response to the allegations in Paragraph II, Respondents would show that Steve Williams Construction, LLC is a limited liability company and not a corporation. In addition, Steve Williams Construction, LLC is developer of the subdivision but not the owner of the property. Service of process for this action only should be addressed to the undersigned.

3. In response to the allegations in Paragraph III, the Respondents admit that Thomas Williams is an employee of Respondent Williams Construction Company, and that Thomas Williams signed the NOI.

4. The Respondents admit the jurisdictional allegations in Paragraph IV but would show references to statutory citations speak for themselves and would deny any language not expressly set out therein.

5. In response to the allegations in Paragraph V, the Respondents admit they are "persons" as defined by the Act, but would deny they have violated the Act.

6. In response to the allegations in Paragraph VI, the Respondents would show that the allegation is a statement of legal authority to which an answer is not required; however, would deny any language not contained in the express language of such authority.

7. In response to the allegations in Paragraph VII, the Respondents would show that the allegation is a statement of legal authority to which an answer is not required; however, would deny any language not contained in the express language of such authority. Further, Respondents would show that Beech Springs Branch is not listed in the list of streams in Tenn. Admin. Comp. ch. 1200-4-4.

8. The Respondents admit the allegations in Paragraph VIII.

9. In response to Paragraph XIX, the Respondents admit that Division personnel made an inspection of the property on January 11, 2006 but lack sufficient information to admit or deny the true purpose of the investigation. Respondent denies the remainder of the paragraph.

10. In response to the allegations in Paragraph X Respondents admits the first sentence of the paragraph. Respondents further admit that they agreed to take additional agreed to certain specified actions in addition to that of the original SWPPP, but deny all other allegations.

11. In response to the allegations in Paragraph XI, Respondents admit that a Notice of Violation was issued on January 18, 2008, but that the letter speaks for itself as to its content and would deny the allegations of violations therein. Respondents lack sufficient information to either admit or deny the remaining allegations of this Paragraph.

12. In response to the allegations in Paragraph XII, Respondents admit that Division conducted an inspection on March 10, 2006, but lacks sufficient knowledge to either admit or deny the purpose of the inspection. Respondents deny the remainder of Paragraph 12.

13. In response to the allegations in Paragraph XIII, Respondents admit that an NOV was issued on March 17, but would note that the letter speaks for itself and would deny the allegations of violations therein.

14. In response to the allegations in Paragraph XIV, Respondents admit that they received a letter of April 13, 2006 concerning the compliance review meeting but would note the letter speaks for itself and would deny anything inconsistent with the express wording of the letter.

15. In response to the allegations in Paragraph XV, Respondents understand a complaint was filed but would deny any violations at the site.

16. In response to the allegations in Paragraph XVI, Respondents admit that a compliance review meeting was held on-site on April 20, 2006. While erosion gullies existed at the site, those preexisted the ownership of the site by Respondents and EPSC's were installed as required. Respondents admit that because of runoff on property upgradient from the site and not

owned by Respondent Williams Construction Company that they agreed to conduct the first three itemized requirements, but that the second two were the responsibility of Bradley County.

17. In response to the allegations in Paragraph XVII, Respondents lack sufficient knowledge to either admit or deny the allegations.

18. In response to the allegations in Paragraph XVIII, Respondents admit that an inspection was conducted on November 1, 2007, but lack sufficient knowledge to either admit or deny the reason for the inspection. Respondents deny the remainder of the allegations other than the issuance of a NOV.

19. In response to the allegations in Paragraph XIX, Respondents admit that the Division conducted a site investigation but denies the remaining allegations.

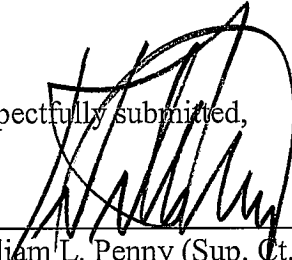
20. The Respondents deny the allegations in Paragraph XX.

21. The Respondents object to the imposition of the Order and Assessment contained in Paragraph XXI.

22. All other allegations not expressly admitted or denied are hereby DENIED.

WHEREFORE, PREMISES CONSIDERED, the Respondents hereby appeal this Order to the Water Quality Control Board and request a hearing. At such hearing the Respondent requests the Order be Dismissed with prejudice. In addition, the Respondents request that attorneys fees be awarded under the Equal Access to Justice Act.

Respectfully submitted,



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William L. Penny (Sup. Ct. No. 009606)  
STITES & HARBISON, PLLC  
401 Commerce Street  
Suite 800  
Nashville, TN 37219-2376  
Telephone: (615) 244-5200

Counsel for STEVE WILLIAMS  
CONSTRUCTION, LLC and THOMAS  
WILLIAMS